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DA 07- 4784

Released: November 29, 2007

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF BIRCH TELECOM, INC. TO ACCESS INTEGRATED NETWORKS, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 07-270

Comments Due: December 13, 2007

Reply Comments Due: December 20, 2007

The following application was filed pursuant to section 63.03 of the Commission's rules requesting approval to transfer control of Birch Telecom, Inc. (Birch) to Access Integrated Networks, Inc. (AIN) (together Applicants).¹ Birch is a Delaware corporation that provides competitive voice and data services in twenty-six states through its twenty-eight, U.S. based, direct and indirect subsidiaries. Birch will continue to hold 100% of the equity, directly or indirectly, of each of its subsidiaries after the transfer is consummated. AIN is a Georgia company that provides competitive local and long distance services to residential and small business customers in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. AIN is wholly owned by Access Investors, LLC, which in turn is owned by Holcombe Green (62%) and R. Kirby Godsey (33%), both U.S. citizens.

Applicants state that no other person or entity owns a ten percent or greater direct or indirect share of Access Investors, LLC. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules, and that a grant of the application will serve the public interest, convenience, and necessity.²

Application Filed for the Transfer of Control of Birch Telecom, Inc. to Access Integrated Networks, Inc., WC Docket No. 07-270 (filed Nov. 16, 2007).

¹ 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants are also filing applications for transfer of control associated with authorization for international services. Any action on this domestic 214 application is without prejudice to Commission action on other related, pending applications. Applicants filed a supplement to their domestic section 214 application on Nov. 28, 2007.

² 47 C.F.R. § 63.03(b)(2)(i).

GENERAL INFORMATION

The Wireline Competition Bureau finds, upon initial review, that the transfer of control identified herein is acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 C.F.R. § 63.03(a), interested parties may file comments **on or before December 13, 2007**, and reply comments **on or before December 20, 2007**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.³ Comments must be filed electronically using (1) the Commission's Electronic Comment Filing System (ECFS) or (2) the Federal Government's eRulemaking Portal. See 47 C.F.R. § 63.03(a) ("All comments on streamlined applications shall be filed electronically . . ."); *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Comments may be filed electronically using the Internet by accessing the ECFS, <http://www.fcc.gov/cgb/ecfs/>, or the Federal eRulemaking Portal, <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

In addition, email one copy of each pleading to each of the following:

- 1) The Commission's duplicating contractor, Best Copy and Printing, Inc., fcc@bcpweb.com; phone: 202 / 488-5300; fax: 202 / 488-5563;
- 2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, tracey.wilson-parker@fcc.gov;
- 3) Matthew Warner, Competition Policy Division, Wireline Competition Bureau, matthew.warner@fcc.gov;
- 4) David Krech, International Bureau, Policy Division, International Bureau, david.krech@fcc.gov
- 5) Cheryl Callahan, Telecommunications Policy Access, Wireline Competition Bureau, cheryl.callahan@fcc.gov; and,
- 6) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

³ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

Filings and comments are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; telephone: 202 / 488-5300; fax: 202 / 488-5563; email: fcc@bcpiweb.com; url: www.bcpiweb.com.

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For further information, please contact Tracey Wilson-Parker at 202 / 418-1394 or Matthew Warner at 202 / 418-2419.

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